

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 10CR477
	)	
JARVIS CARLOS LAW,	)	The Honorable Claude M. Hilton
	)	
Defendant.	)	Sentencing: June 3, 2011

**POSITION OF THE UNITED STATES WITH RESPECT TO SENTENCING AND  
MOTION FOR ONE LEVEL REDUCTION PURSUANT TO U.S.S.G § 3E1.1(b)**

The United States of America, through its attorneys, Neil H. MacBride, United States Attorney, and Scott B. Nussbaum, Special Assistant United States Attorney, in accord with 18 U.S.C. § 3553(a) and the United States Sentencing Commission, Guidelines Manual, (Nov. 2011), files this Position of the United States With Respect to Sentencing and Motion for One Level Reduction Pursuant to U.S.S.G. § 3E1.1(b) in the instant case. The United States has no objection to the guidelines calculations contained in the Presentence Investigation Report (PSR) at this time. The United States respectfully submits that a sentence at the low-end of the combined guidelines range of 211 to 248 months is reasonable and appropriately accounts for each of the factors set forth in 18 U.S.C. § 3553(a), and accordingly requests that this Court impose such a sentence. The government further moves for a one level reduction of the defendant's sentencing guidelines level pursuant to U.S.S.G § 3E1.1(b) in recognition of the defendant's timely guilty plea.

### Argument

Even though the Sentencing Guidelines are advisory, United States v. Booker provides that sentencing courts “must consult those Guidelines and take them into account when sentencing.” 543 U.S. 220, 125 S. Ct. 738, 767 (2005). “[A] district court shall first calculate (after making the appropriate findings of fact) the range prescribed by the guidelines. Then, the court shall consider that range as well as other relevant factors set forth in the guidelines and those factors set forth in [18 U.S.C.] § 3553(a) before imposing the sentence.” United States v. Hughes, 401 F.3d 540, 546 (4th Cir. 2005).

Section 3553 states that the court should consider the nature and circumstances of the offense and characteristics of the defendant. In addition, it states that the court must consider other factors, including the need for the sentence “to reflect the seriousness of the offense, to promote respect for law, and to provide just punishment for the offense; [and] to afford adequate deterrence to criminal conduct.” 18 U.S.C. § 3553(a)(2)(A) & (B). In addition, the sentence should protect the public from further crimes of the defendant and provide the defendant with needed correctional treatment. 18 U.S.C. § 3553(a)(2)(C) & (D). In this case, a sentence at the low-end of the combined guidelines range of 211 to 248 months of incarceration will justly punish the defendant and also reflect the seriousness of the offense.

Such a sentence reasonably and appropriately accounts for the factors set forth in 18 U.S.C. § 3553(a). The trafficking of illegal narcotics is a serious offenses which imposes enormous pecuniary and non-pecuniary costs on society. However, it is appropriate to take into account the fact that the defendant took responsibility for his actions and pled guilty. For those reasons, the government respectfully suggests that a sentence at the low-end of the combined

guidelines range of 211 to 248 months is appropriate.

## Conclusion

For the reasons stated, the United States therefore asks this Court to impose a sentence of 211 to 248 months of incarceration.

Respectfully Submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of May 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Jonathan Simms, Esq.  
Counsel to Jarvis Carlos Law

I hereby certify that I will cause a copy to be delivered to:

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